

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

06 Civ. 0694 (PKC)

NIPPON EXPRESS U.S.A.
(ILLINOIS), INC.,

Plaintiff,

- against -

M/V CHIANG JIANG BRIDGE et
ano.,

Defendants.

DEFENDANT, YANGMING MARINE
TRANSPORT CORP.'S ATTORNEY'S
DECLARATION IN SUPPORT OF ITS
MOTION TO DISMISS THE CLAIMS
AGAINST IT ON GROUND OF A
MANDATORY AND EXCLUSIVE FOREIGN
FORUM SELECTION AGREEMENT

PAUL M. KEANE declares that the following statement is true under the penalties of perjury:

1. I am an attorney-at-law admitted to practice before this Court and a member of the firm of Cichanowicz Callan Keane Vengrow & Textor, LLP. I am fully familiar with the facts and circumstances of this matter and except as otherwise indicated, I submit this declaration on personal knowledge in support of the motion of defendant, YANGMING MARINE TRANSPORT CORP., to dismiss the claims against it on grounds of a mandatory and exclusive forum selection clause in the applicable contract of carriage. The facts and law are marshaled in the accompanying memorandum to which the Court is respectfully referred.

2. Attached to this declaration as EXHIBITS A and B respectively are true and complete copies of the service copies of plaintiff's complaint and defendant, Yangming's answer.

3. At a May 11, 2007 initial / promotion conference, the Court gave this defendant permission to make this motion and said that plaintiff's motion to substitute parties, defendant's

alternative motion to transfer venue, and discovery would be held in abeyance pending the disposition of this motion.

Dated: New York, NY, May 18, 2007

/s/ Paul M. Keane

PAUL M. KEANE [PMK-5934]